



City of NORFOLK

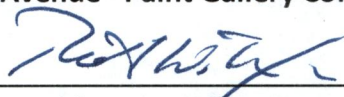
C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

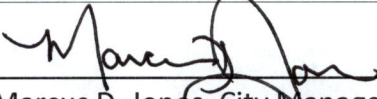
February 10, 2015

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Special Exception to operate an eating and drinking establishment at 4408 Colley Avenue - Paint Gallery Coffee Shop**

Reviewed: 
Ronald H. Williams, Jr., Deputy City
Manager

Ward/Superward: 2/6

Approved: 
Marcus D. Jones, City Manager

Item Number: **R-3**

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **7 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Special Exception to operate an eating and drinking establishment
- IV. **Applicant:** Robyn Thomas and Kim Keene
- V. **Description**
This request would allow The Paint Gallery Coffee Shop, to operate a restaurant, offering alcoholic beverages to its patrons.

	Proposed (The Paint Gallery Coffee Shop)
Hours of Operation	6:00 a.m. until midnight, Seven days a week
Hours for the Sale of Alcoholic Beverages	10:00 a.m. until midnight, Seven days a week
Capacity	<ul style="list-style-type: none">• 37 seats indoors• 10 seats outdoors• 49 total capacity

Staff point of contact: Matthew Simons at 664-4750, matthew.simons@norfolk.gov

Attachments:

- Staff Report to CPC dated January 22, 2015 with attachments
- Letter of support
- Proponents and Opponents
- Ordinance



City of NORFOLK

To the City Planning Commission
City of Norfolk, Virginia

January 22, 2015

From: Matthew Simons, CFM *M.S.*
City Planner II

Subject: Special exception to
operate an eating and drinking
establishment at 4408 Colley
Avenue - **Paint Gallery Coffee Shop**

Reviewed: Leonard M. Newcomb III, CFM *LMN/III*
Land Use Services Manager

Ward/Superward: 2/6

Approved: *[Signature]*
George M. Homewood, AICP, CFM
Planning Director

Item Number: 8

I. Recommendation:

Staff recommends approval subject to the attached conditions, considering compliance with *Zoning Ordinance* requirements and consistency with approved plans.

II. Applicant: Robyn Thomas/Kim Keene

III. Description:

This request would allow The Paint Gallery Coffee Shop, to operate a restaurant, offering alcoholic beverages to its patrons.

IV. Analysis

The site is located on the east side of Colley Avenue, between 44th Street and 45th Street, within the Highland Park neighborhood, which is developed with a mix of residential, commercial, institutional and light industrial uses.

Plan Analysis

- The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as commercial.
- The *Central Hampton Boulevard Area Plan* identifies this site as a location for office, research, retail, or multiunit residential.

Zoning Analysis

- The site is located in a C-2 (Corridor Commercial) district, which permits the proposed use with a special exception.
- The attached conditions ensure compliance with the adopted general plan and all *Zoning Ordinance* requirements.

	Proposed (The Paint Gallery Coffee Shop)
Hours of Operation	6:00 a.m. until midnight, Seven days a week
Hours for the Sale of Alcoholic Beverages	10:00 a.m. until midnight, Seven days a week
Capacity	<ul style="list-style-type: none"> • 37 seats indoors • 10 seats outdoors • 49 total capacity

Traffic Analysis

- Institute of Transportation Engineers figures estimate that this restaurant will generate 227 new vehicle trips per day.

Parking Analysis

- Given that the proposed café has an increased parking requirement from what was the most recent use of the suite (retail goods), a parking analysis was performed for the entire building to determine the total parking demand for the site.
- The building was built in 1945, prior to any zoning requirements for off-street parking, and there are no dedicated off-street parking spaces provided.
 - The building consists of three suites; the proposal is to convert Suite A into a 1,175 sq. ft. café.
 - Suite B would remain as a 1,192 sq. ft. art gallery as it is today, and Suite C would also remain as a 748 sq. ft. pottery studio.
- In order to encourage the reuse of existing buildings, many of which were built without having to meet any parking standards, the *Zoning Ordinance* provides an alternative method of grandfathering the parking requirement for such buildings.
 - Given the square footage of the entire building (3,115 sq. ft.), the building has an assumed parking supply of 12 off-street parking spaces ($3,115/250 = 12.4$).
 - Two of the three suites are being utilized for arts related uses, which have a less intense parking requirement than retail uses; thus converting Suite A from a retail use to a café use will not exceed the total number of spaces for which the building is grandfathered:
 - Suite A parking demand: 7 spaces
 - Suite B parking demand: 2 spaces
 - Suite C parking demand: 1 space

- The property owner has agreed to a proposed condition which limits the use of the other two suites to only the arts-related uses present, or similar uses with equal or less parking demand.
- On-street parking is available throughout the North Colley corridor, including on-street parking on both sides of the street directly in front of this building.
- The applicant proposes to install a bike pole sufficient to accommodate two bicycles within the public right-of-way.

V. Financial Impact

The property owner is current on all taxes.

VI. Environmental

- The site is located in the North Colley business corridor which has multiple uses, including residential, commercial and some light industrial uses.
 - The applicant proposes to install outdoor dining along the Colley Avenue sidewalk edge; this should provide new activity to the block which is currently lacking.

VII. Community Outreach/Notification

- Legal notice was posted on the property on December 16.
- Letter was sent to the Highland Park Civic League on December 29.
- Letters were mailed to all property owners within 300 feet of the property on January 9.
- Legal notification was placed in *The Virginian-Pilot* on January 8 and January 15.

VIII. Coordination/Outreach

This report has been coordinated with the Department of City Planning, the Department of Public Works – Division of Right-of-Ways and the Division of Surveys, the Department of Neighborhood Development – Division of Neighborhood Engagement, and the City Attorney's Office.

Supporting Material from the Department of City Planning:

- Proposed conditions
- Location map
- Zoning map
- 1000' radii map of similar ABC establishments with special exceptions
- Application
- Site plan
- Letter to the civic league

Proponents and Opponents

Proponents

Kim Keene – Applicant
4408 Colley Avenue
Norfolk, VA 23508

Opponents

None

Form and Correctness Approved: 

Contents Approved: 

By 
Office of the City Attorney

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN EATING AND DRINKING ESTABLISHMENT KNOWN AS "PAINT GALLERY" ON PROPERTY LOCATED AT 4408 COLLEY AVENUE.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Kim Keene authorizing the operation of an eating and drinking establishment named "Paint Gallery" on property located at 4408 Colley Avenue. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 25 feet, more or less, along the eastern line of Colley Avenue beginning 75 feet, more or less, from the southern line of 45th Street and extending southwardly; premises numbered 4408 Colley Avenue.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the establishment shall be limited to 6:00 a.m. until 12:00 midnight, seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The hours for the sale of alcoholic beverages shall be limited to 10:00 a.m. until 12:00 midnight, seven days per week.
- (c) The seating for the establishment shall not exceed 37 seats indoors, 10 seats outdoors, and the total occupant capacity, including employees, shall not exceed 49 people. The use authorized by this special exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.

- (d) No portion of the outdoor dining area shall be enclosed and any covering must leave the dining space open on at least three sides and no portion of the outdoor dining area shall be heated or cooled.
- (e) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (f) Due to limitations on parking associated with or attributed to this property, use of "Space B" and "Space C" as shown in the floor plan attached hereto and marked as "Exhibit B" shall be limited to those zoning uses permitted in the district which do not require more than one parking space per 600 square feet of area.
- (g) Bicycle parking infrastructure, either a rack or storage device specifically manufactured for the purpose of storing a bicycle, shall be provided on the site or within 50 feet of the site in order to accommodate storage of no fewer than two bicycles for public use. Such bicycle parking shall be visible from to the establishment's main entrance.
- (h) The establishment shall maintain a current, active business license at all times while in operation.
- (i) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (j) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

- (k) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (l) A menu shall be provided containing an assortment of foods which shall be made available at all times the restaurant is open. A food menu and full dining service shall be available at the bar.
- (m) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator, or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (n) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (o) There shall be no entertainment, no dancing, and no dance floor provided.
- (p) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the

premises.

- (q) A copy of this Adult Use Special Exception ordinance and Exhibits shall be available on site at all times for inspection, and a notice indicating that this Adult Use Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities,

drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENTS:

Exhibit A (3 pages)

Exhibit B (1 page)

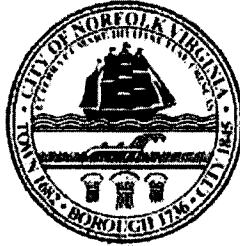


EXHIBIT "A"
Description of Operations
Eating and Drinking Establishment

Date 12/8/14
Trade name of business PAINT GALLERY
Address of business 4408 Collier Ave
Name(s) of business owner(s)* TBD.
Name(s) of property owner(s)* KIM KEENE
Daytime telephone number (757) 472-8115

*If business or property owner is partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility	Alcoholic Beverage Sales
Weekday From <u>6AM</u> To <u>MIDNIGHT</u>	Weekday From <u>10AM</u> To <u>MIDNIGHT</u>
Friday From <u>6AM</u> To <u>MIDNIGHT</u>	Friday From <u>10AM</u> To <u>MIDNIGHT</u>
Saturday From <u>6AM</u> To <u>MIDNIGHT</u>	Saturday From <u>10AM</u> To <u>MIDNIGHT</u>
Sunday From <u>6AM</u> To <u>MIDNIGHT</u>	Sunday From <u>10AM</u> To <u>MIDNIGHT</u>

2. Type of ABC license applied for (check all applicable boxes)
☒ On-Premises ☐ Off-Premises (additional application required)
3. Type of alcoholic beverage applied for
☒ Beer ☒ Wine ☐ Mixed Beverage
4. Will indoor or outdoor entertainment be provided?
(Entertainment consists of anything more than one, unamplified musician)
☐ Yes (Different application required) ☒ No

Exhibit A – Page 2
Eating and Drinking Establishment

5. Will video games, pool tables, game boards or other types of games be provided?

☐ Yes (If more than 4, additional application required) ☒ No

5a. If yes, please describe type and number of each game to be provided

6. Will patrons ~~ever~~ be charged to enter the establishment?

☐ Yes ☒ No

6a. If yes, why

- 6b. Which days of the week will there be a cover charge (circle all applicable days)?

Monday Tuesday Wednesday Thursday Friday
Saturday Sunday

7. Will the facility ~~or a~~ portion of the facility be available for private parties?

☐ Yes ☒ No

7a. If yes, explain

8. Will a third party ~~(promoter)~~ be permitted to lease, let or use the establishment?

☐ Yes ☒ No

8a. If yes, explain

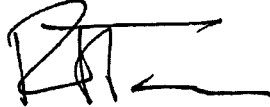
9. Will there ~~ever be~~ a minimum age limit?

☐ Yes ☒ No

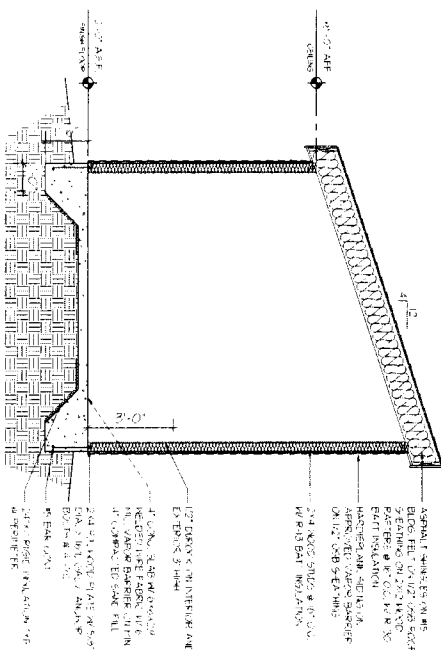
Exhibit A – Page 3
Eating and Drinking Establishment

10. Additional comments/ description/operational characteristics or prior experience:

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility



Signature of Applicant




FBI LABORATORY				Q101	Q102	Q103	Q104	Q105	Q106	Q107	Q108	Q109	Q110	Q111	Q112	Q113	Q114	Q115	Q116	Q117	Q118	Q119	Q120	Q121	Q122	Q123	Q124	Q125	Q126	Q127	Q128	Q129	Q130	Q131	Q132	Q133	Q134	Q135	Q136	Q137	Q138	Q139	Q140	Q141	Q142	Q143	Q144	Q145	Q146	Q147	Q148	Q149	Q150	Q151	Q152	Q153	Q154	Q155	Q156	Q157	Q158	Q159	Q160	Q161	Q162	Q163	Q164	Q165	Q166	Q167	Q168	Q169	Q170	Q171	Q172	Q173	Q174	Q175	Q176	Q177	Q178	Q179	Q180	Q181	Q182	Q183	Q184	Q185	Q186	Q187	Q188	Q189	Q190	Q191	Q192	Q193	Q194	Q195	Q196	Q197	Q198	Q199	Q200	Q201	Q202	Q203	Q204	Q205	Q206	Q207	Q208	Q209	Q210	Q211	Q212	Q213	Q214	Q215	Q216	Q217	Q218	Q219	Q220	Q221	Q222	Q223	Q224	Q225	Q226	Q227	Q228	Q229	Q230	Q231	Q232	Q233	Q234	Q235	Q236	Q237	Q238	Q239	Q240	Q241	Q242	Q243	Q244	Q245	Q246	Q247	Q248	Q249	Q250	Q251	Q252	Q253	Q254	Q255	Q256	Q257	Q258	Q259	Q260	Q261	Q262	Q263	Q264	Q265	Q266	Q267	Q268	Q269	Q270	Q271	Q272	Q273	Q274	Q275	Q276	Q277	Q278	Q279	Q280	Q281	Q282	Q283	Q284	Q285	Q286	Q287	Q288	Q289	Q290	Q291	Q292	Q293	Q294	Q295	Q296	Q297	Q298	Q299	Q300	Q301	Q302	Q303	Q304	Q305	Q306	Q307	Q308	Q309	Q310	Q311	Q312	Q313	Q314	Q315	Q316	Q317	Q318	Q319	Q320	Q321	Q322	Q323	Q324	Q325	Q326	Q327	Q328	Q329	Q330	Q331	Q332	Q333	Q334	Q335	Q336	Q337	Q338	Q339	Q340	Q341	Q342	Q343	Q344	Q345	Q346	Q347	Q348	Q349	Q350	Q351	Q352	Q353	Q354	Q355	Q356	Q357	Q358	Q359	Q360	Q361	Q362	Q363	Q364	Q365	Q366	Q367	Q368	Q369	Q370	Q371	Q372	Q373	Q374	Q375	Q376	Q377	Q378	Q379	Q380	Q381	Q382	Q383	Q384	Q385	Q386	Q387	Q388	Q389	Q390	Q391	Q392	Q393	Q394	Q395	Q396	Q397	Q398	Q399	Q400	Q401	Q402	Q403	Q404	Q405	Q406	Q407	Q408	Q409	Q410	Q411	Q412	Q413	Q414	Q415	Q416	Q417	Q418	Q419	Q420	Q421	Q422	Q423	Q424	Q425	Q426	Q427	Q428	Q429	Q430	Q431	Q432	Q433	Q434	Q435	Q436	Q437	Q438	Q439	Q440	Q441	Q442	Q443	Q444	Q445	Q446	Q447	Q448	Q449	Q450	Q451	Q452	Q453	Q454	Q455	Q456	Q457	Q458	Q459	Q460	Q461	Q462	Q463	Q464	Q465	Q466	Q467	Q468	Q469	Q470	Q471	Q472	Q473	Q474	Q475	Q476	Q477	Q478	Q479	Q480	Q481	Q482	Q483	Q484	Q485	Q486	Q487	Q488	Q489	Q490	Q491	Q492	Q493	Q494	Q495	Q496	Q497	Q498	Q499	Q500	Q501	Q502	Q503	Q504	Q505	Q506	Q507
Q101	Q102	Q103	Q104	Q105	Q106	Q107	Q108	Q109	Q110	Q111	Q112	Q113	Q114	Q115	Q116	Q117	Q118	Q119	Q120	Q121	Q122	Q123	Q124	Q125	Q126	Q127	Q128	Q129	Q130	Q131	Q132	Q133	Q134	Q135	Q136	Q137	Q138	Q139	Q140	Q141	Q142	Q143	Q144	Q145	Q146	Q147	Q148	Q149	Q150	Q151	Q152	Q153	Q154	Q155	Q156	Q157	Q158	Q159	Q160	Q161	Q162	Q163	Q164	Q165	Q166	Q167	Q168	Q169	Q170	Q171	Q172	Q173	Q174	Q175	Q176	Q177	Q178	Q179	Q180	Q181	Q182	Q183	Q184	Q185	Q186	Q187	Q188	Q189	Q190	Q191	Q192	Q193	Q194	Q195	Q196	Q197	Q198	Q199	Q200	Q201	Q202	Q203	Q204	Q205	Q206	Q207	Q208	Q209	Q210	Q211	Q212	Q213	Q214	Q215	Q216	Q217	Q218	Q219	Q220	Q221	Q222	Q223	Q224	Q225	Q226	Q227	Q228	Q229	Q230	Q231	Q232	Q233	Q234	Q235	Q236	Q237	Q238	Q239	Q240	Q241	Q242	Q243	Q244	Q245	Q246	Q247	Q248	Q249	Q250	Q251	Q252	Q253	Q254	Q255	Q256	Q257	Q258	Q259	Q260	Q261	Q262	Q263	Q264	Q265	Q266	Q267	Q268	Q269	Q270	Q271	Q272	Q273	Q274	Q275	Q276	Q277	Q278	Q279	Q280	Q281	Q282	Q283	Q284	Q285	Q286	Q287	Q288	Q289	Q290	Q291	Q292	Q293	Q294	Q295	Q296	Q297	Q298	Q299	Q300	Q301	Q302	Q303	Q304	Q305	Q306	Q307	Q308	Q309	Q310	Q311	Q312	Q313	Q314	Q315	Q316	Q317	Q318	Q319	Q320	Q321	Q322	Q323	Q324	Q325	Q326	Q327	Q328	Q329	Q330	Q331	Q332	Q333	Q334	Q335	Q336	Q337	Q338	Q339	Q340	Q341	Q342	Q343	Q344	Q345	Q346	Q347	Q348	Q349	Q350	Q351	Q352	Q353	Q354	Q355	Q356	Q357	Q358	Q359	Q360	Q361	Q362	Q363	Q364	Q365	Q366	Q367	Q368	Q369	Q370	Q371	Q372	Q373	Q374	Q375	Q376	Q377	Q378	Q379	Q380	Q381	Q382	Q383	Q384	Q385	Q386	Q387	Q388	Q389	Q390	Q391	Q392	Q393	Q394	Q395	Q396	Q397	Q398	Q399	Q400	Q401	Q402	Q403	Q404	Q405	Q406	Q407	Q408	Q409	Q410	Q411	Q412	Q413	Q414	Q415	Q416	Q417	Q418	Q419	Q420	Q421	Q422	Q423	Q424	Q425	Q426	Q427	Q428	Q429	Q430	Q431	Q432	Q433	Q434	Q435	Q436	Q437	Q438	Q439	Q440	Q441	Q442	Q443	Q444	Q445	Q446	Q447	Q448	Q449	Q450	Q451	Q452	Q453	Q454	Q455	Q456	Q457	Q458	Q459	Q460	Q461	Q462	Q463	Q464	Q465	Q466	Q467	Q468	Q469	Q470	Q471	Q472	Q473	Q474	Q475	Q476	Q477	Q478	Q479	Q480	Q481	Q482	Q483	Q484	Q485	Q486	Q487	Q488	Q489	Q490	Q491	Q492	Q493	Q494	Q495	Q496	Q497	Q498	Q499	Q500	Q501	Q502	Q503	Q504	Q505	Q506	Q507				

[illegible]

REVISIONS	
Δ	DATE COMMENTS

1 OF 1	A10
DESIGN	
DATE	
EDWIN HIG	
DR:AM	K:AS
CHECKED BY: _____	

RENOVATIONS TO
4408 COLLEY AVENUE
NORFOLK, VIRGINIA



**ROBYN THOMAS
ARCHITECTURE**

813 W. 21st Street, Suite C
Norfolk, VA 23517

OC: 757.622.7100
Fax: 757.640.1014

The Paint Gallery Coffee Shop – 4408 Colley Avenue
Eating and Drinking Establishment – Conditions

- (a) The hours of operation for the establishment shall be from 6:00 a.m. until 12:00 midnight, seven days a week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The hours for the sale of alcoholic beverages shall be from 10:00 a.m. until 12:00 midnight, seven days a week.
- (c) The seating for the establishment shall not exceed 37 seats indoors, 10 seats outdoors, and the total occupant capacity, including employees, shall not exceed 49 people. The use authorized by this special exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.
- (d) No portion of the outdoor dining area shall be enclosed and any covering must leave the dining space open on at least three sides and no portion of the outdoor dining area shall be heated or cooled.
- (e) In order to accommodate the increased parking demand associated with this use, and notwithstanding any futures change(s) or amendment(s) to the existing zoning which may affect the off-street parking requirements, the use of Suites "B" and "C," as shown in the "Exhibit A," attached hereto, shall only be for those land uses for which do not have a more restrictive parking requirement than what is currently required for an Art Studio; one (1) parking space per 600 square feet.
- (f) Bicycle parking infrastructure, either a rack or storage device specifically manufactured for the purpose of storing a standard sized bicycle, shall be provided on the site or within 50 feet of the site in order to accommodate no less than two bicycles for the public to utilize. Such bicycle parking may be located indoors or outdoors, but it shall be located with direct visibility to the main entrance of the establishment.
- (g) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.

- (h) The establishment shall maintain a current, active business license at all times while in operation.
- (i) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (j) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (k) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (l) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (m) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (n) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (o) There shall be no entertainment, no dancing, and no dance floor provided.

- (p) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (q) A copy of this special exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Location Map

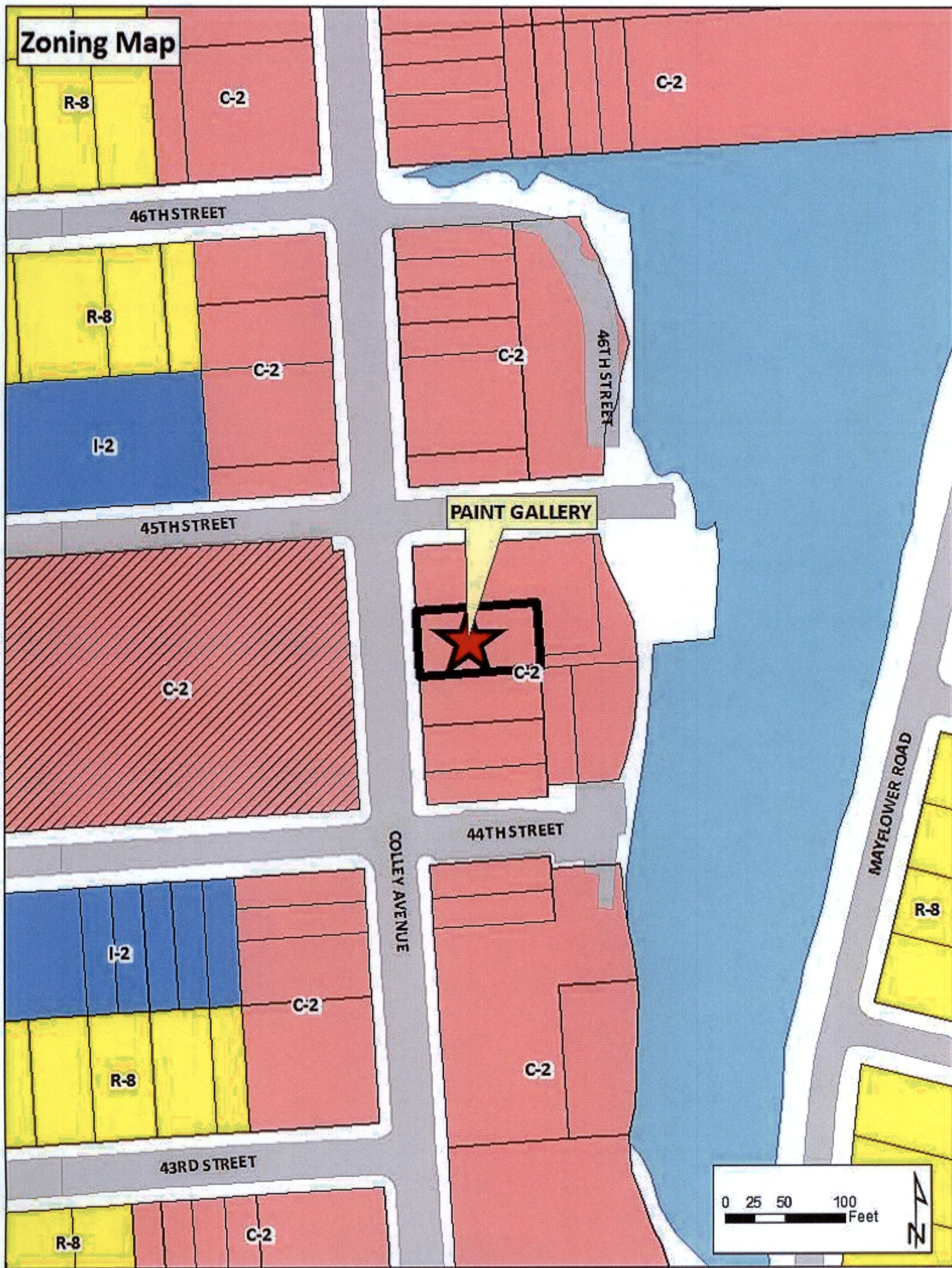
PAINT GALLERY



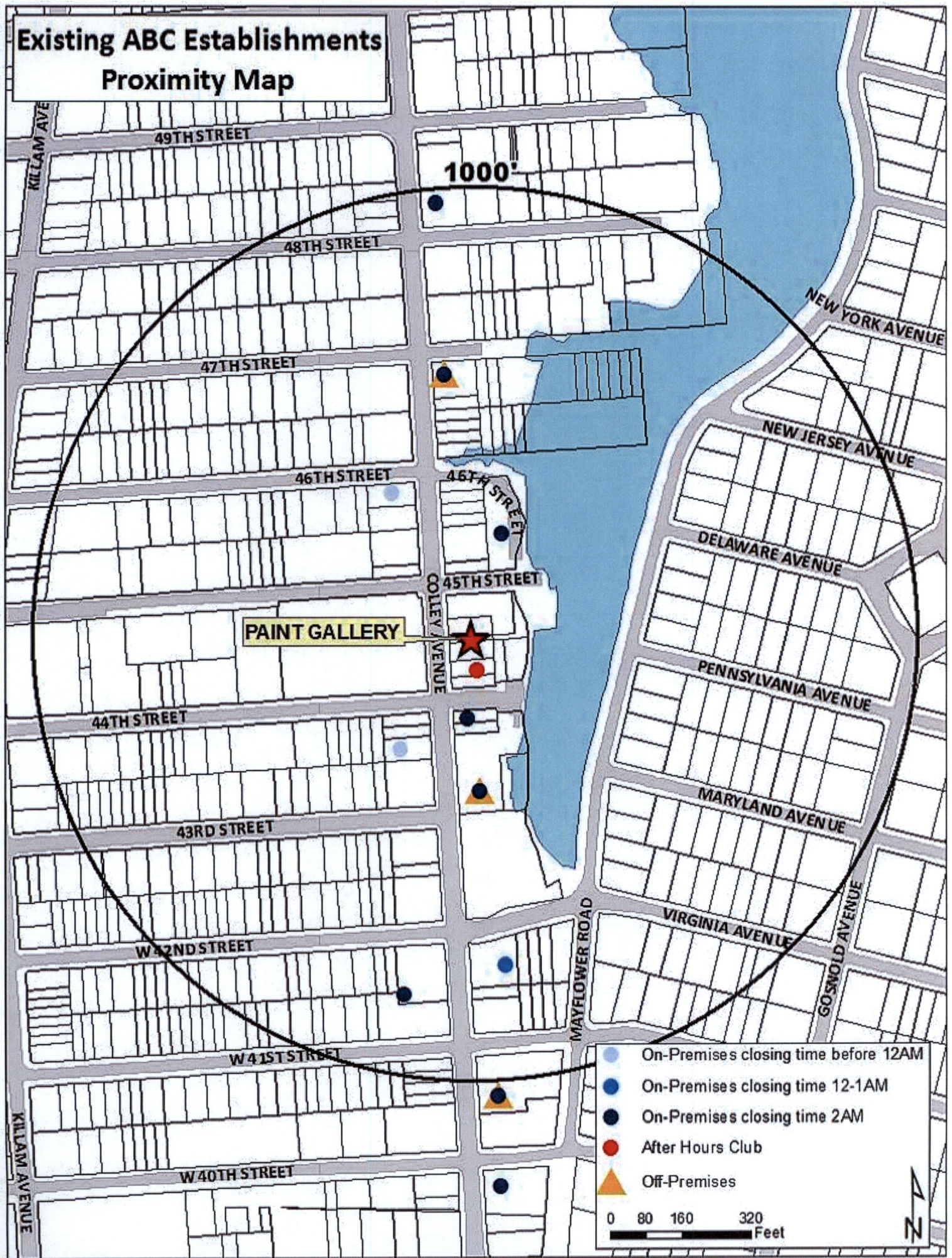
0 5 10 20 Feet



Zoning Map



Existing ABC Establishments Proximity Map





APPLICATION
ADULT USE SPECIAL EXCEPTION
EATING AND DRINKING ESTABLISHMENT
(Please print)

Date DECEMBER 8, 2014

DESCRIPTION OF PROPERTY

Address 4408 COLLEY AVE

Existing Use of Property GALLERY - Framing Shop.

Proposed Use GALLERY - COFFEE SHOP w/ BEER + WINE

Current Building Square Footage 2863

Proposed Building Square Footage 2923.

Trade Name of Business (if applicable) Paint Gallery

APPLICANT/ PROPERTY OWNER

Robyn Thomas for
1. Name of applicant: (Last) KEENE (First) KIM (MI) _____

Mailing address of applicant (Street/P.O. Box) 1024 JAMESTOWN CRES

(City) NORFOLK (State) VA (Zip Code) 23508

Daytime telephone number of applicant (757) 472-8115 Fax number () _____

E-mail address of applicant PAINTGALLERYNORFOLK@GMAIL.COM

2. Name of property owner (Last) SCHLEGEL (First) ROBERT (MI) E. JR

Mailing address of property owner (Street/P.O. Box) 4408 Colley Ave

(City) Norfolk (State) VA (Zip Code) _____

Daytime telephone number of owner () _____ Fax number () _____

**Application
Eating and Drinking Establishment
Page 2**

CONTACT INFORMATION

Civic League contact Hawthorne Park

Date(s) contacted Emilio. 12/8.

Ward/Super Ward information _____

REQUIRED ATTACHMENTS

- Required application fee, **\$355.00** (if check, make payable to Norfolk City Treasurer).
 - Application fee includes a non-refundable \$5 technology surcharge.
- Two 8½ inch x 14 inch (maximum size) copies of a floor plan prepared by a registered design professional drawn to scale showing seats/tables, restroom facilities, bar, ingress and egress, standing room, outdoor dining and total maximum capacity (see attached example)
- Two 8½ inch x 14 inch (maximum size) copies of a survey or conceptual site plan (required for new construction or site improvements) drawn to scale showing:
 - Existing and proposed building structures
 - Driveways
 - Parking
 - Landscaping
 - Property lines (see attached example)
- Completed Exhibit A, Description of Operations (attached)

CERTIFICATION

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: [Signature] Sign: 12/8/14
(Property Owner or Authorized Agent Signature) (Date)

Print name: [Signature] Sign: 12/8/14
(Applicant or Authorized Agent Signature) (Date)



EXHIBIT "A"
Description of Operations
Eating and Drinking Establishment

Date 12/8/14
Trade name of business PAINT GALLERY
Address of business 4408 COLLET AVE
Name(s) of business owner(s)* JBO.
Name(s) of property owner(s)* KIM KEENE
Daytime telephone number (757) 472-8115

*If business or property owner is partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility	Alcoholic Beverage Sales
Weekday From <u>6AM</u> To <u>MIDNIGHT</u>	Weekday From <u>10AM</u> To <u>MIDNIGHT</u>
Friday From <u>6AM</u> To <u>MIDNIGHT</u>	Friday From <u>10m</u> To <u>MIDNIGHT</u>
Saturday From <u>6AM</u> To <u>MIDNIGHT</u>	Saturday From <u>10m</u> To <u>MIDNIGHT</u>
Sunday From <u>6AM</u> To <u>MIDNIGHT</u>	Sunday From <u>10m</u> To <u>MIDNIGHT</u>

2. Type of ABC license applied for (check all applicable boxes)
☒ On-Premises ☐ Off-Premises (additional application required)
3. Type of alcoholic beverage applied for
☒ Beer ☒ Wine ☐ Mixed Beverage
4. Will indoor or outdoor entertainment be provided?
(Entertainment consists of anything more than one, unamplified musician)
☐ Yes (Different application required) ☒ No

Exhibit A – Page 2
Eating and Drinking Establishment

5. Will video games, pool tables, game boards or other types of games be provided?
☐ Yes (If more than 4, additional application required) ☒ No

5a. If yes, please describe type and number of each game to be provided

6. Will patrons ever be charged to enter the establishment?
☐ Yes ☒ No

6a. If yes, why

- 6b. Which days of the week will there be a cover charge (circle all applicable days)?

Monday Tuesday Wednesday Thursday Friday
Saturday Sunday

7. Will the facility or a portion of the facility be available for private parties?
☐ Yes ☒ No

7a. If yes, explain

8. Will a third party (promoter) be permitted to lease, let or use the establishment?
☐ Yes ☒ No

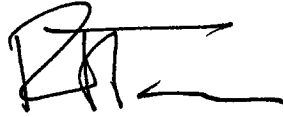
8a. If yes, explain

9. Will there ever be a minimum age limit?
☐ Yes ☒ No

Exhibit A – Page 3
Eating and Drinking Establishment

10. Additional comments/ description/operational characteristics or prior experience:

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility



Signature of Applicant

**Exhibit A – Floor Plan(s) Worksheet
Eating and Drinking Establishment**

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan must be prepared by a registered design professional and include:
 - Tables/seats
 - Restroom facilities
 - Bar
 - Ingress and egress
 - Standing room
 - Outdoor seating
 - Total maximum capacity (including employees)

Total capacity

a. Indoor

Number of seats (not including bar seats)	<u>42</u>
Number of bar seats	<u>5</u>
Standing room	<u> </u>

b. Outdoor

Number of seats	<u> </u>
-----------------	-------------------

c. Number of employees

<u>2</u>

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = 49.

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised December, 2014)

**Exhibit A – Floor Plan(s) Worksheet
Eating and Drinking Establishment**

*Option B
with outdoor
dining*

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan must be prepared by a registered design professional and include:
 - Tables/seats
 - Restroom facilities
 - Bar
 - Ingress and egress
 - Standing room
 - Outdoor seating
 - Total maximum capacity (including employees)

Total capacity

a. Indoor

Number of seats (not including bar seats)

32

Number of bar seats

5

Standing room

b. Outdoor

Number of seats

10

c. Number of employees

2

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = 49.

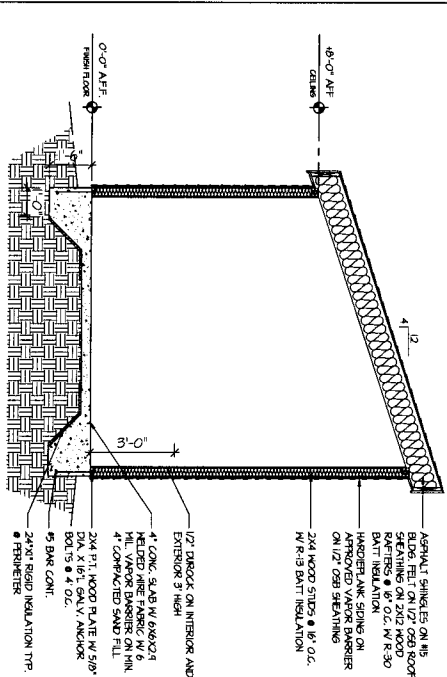
DEPARTMENT OF CITY PLANNING

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Norfolk, Virginia 23510

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(Revised December, 2014)



CONSTRUCTION TYPE: IIIB
 USE GROUP: A-3
 A-3 NON-FRANKED W/RED FIRE ART GALLERY - NO MORE
 B COFFEE SHOP (LESS THAN 40 OCCUPANTS)
 REQUIRED HEIGHTS & SOLAR FOOTCANDLES
 A-3 2 STORIES 15'00 SF
 B 3 STORIES 14'00 SF
 ACTUAL HEIGHT & SOLAR FOOTCANDLES
 B 1 STORY 20'3 SF

SCORE OF WORK:
 NEW COFFEE BAR/RED KITCHEN
 NEW PAVS THROUGH ADJUNCTION

① PARTIAL BUILDING SECTION
 $\sqrt{2} \approx 1.41$



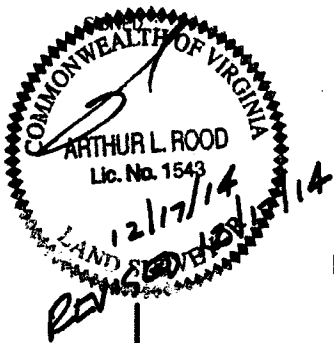
**ROBYN THOMAS
ARCHITECTURE**

613 W. 21st Street, Suite C
Northridge, VA 220617

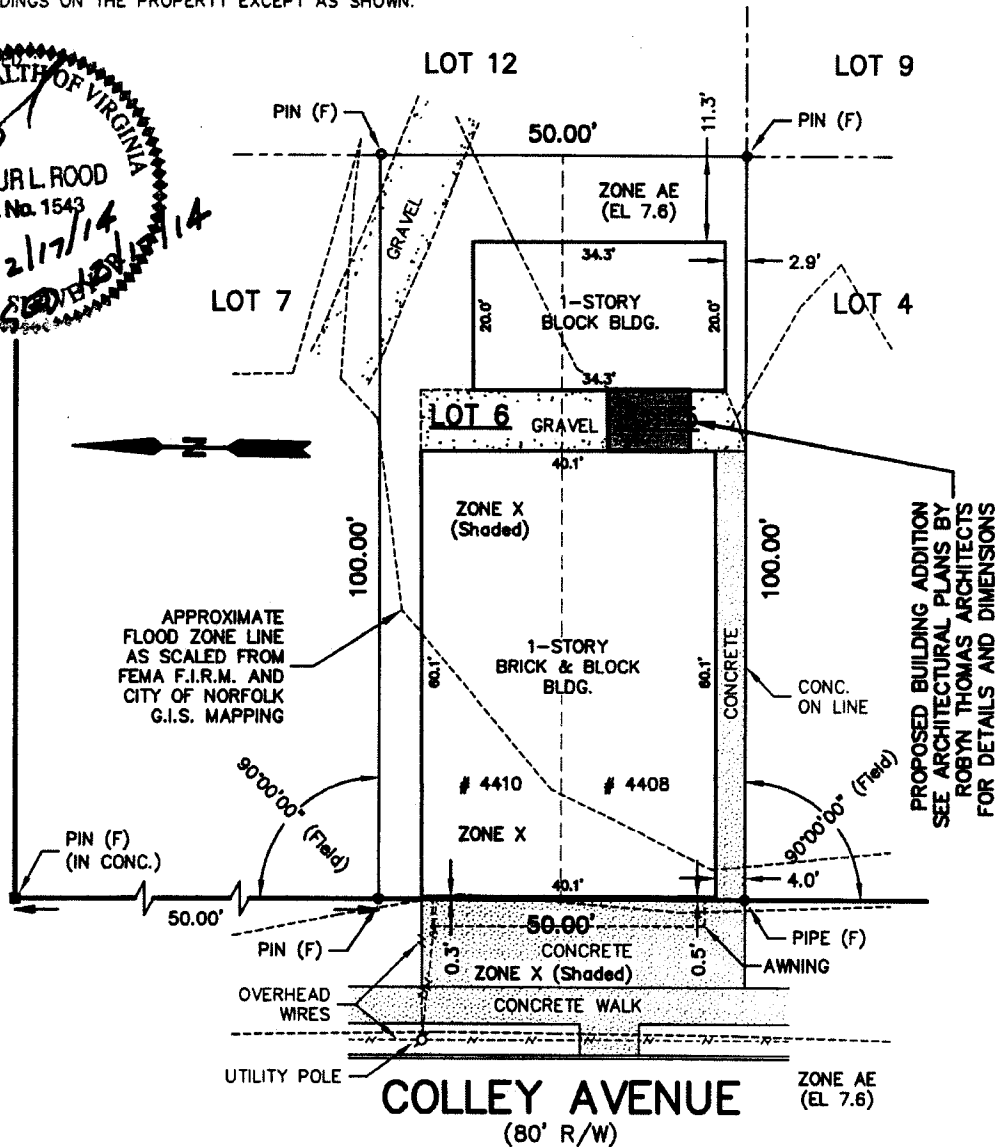
ONE: 703.822.7100
FAX: 703.840.1014

RENOVATIONS TO
4408 COLLEY AVENUE
NORFOLK, VIRGINIA

THIS IS TO CERTIFY THAT I ON **DECEMBER 17, 2014** SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDINGS ARE SHOWN ON THIS PLAT. THE BUILDINGS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS ON THE PROPERTY EXCEPT AS SHOWN.



45th STREET
(FORMERLY 41st ST.)
(60' R/W)



PHYSICAL SURVEY
OF
LOTS 5 & 6, BLOCK 314
REVISED PLAT OF LAMBERTS POINT INVESTMENT CO.
NORFOLK, VIRGINIA
FOR
ROBERT E. SCHLEGEL, JR.

NOTES :

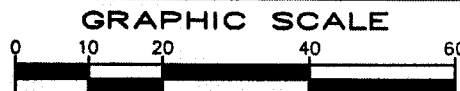
- 1) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT SHOW ANY/ALL EASEMENTS OR RESTRICTIONS THAT MAY AFFECT SAID PROPERTY AS SHOWN.
- 2) ROOD LAND SURVEYING, P.C. IS NOT A PARTY IN DETERMINING THE REQUIREMENTS FOR FLOOD INSURANCE ON THE PROPERTY SHOWN HEREON. THIS SURVEY DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE SUBJECT TO FLOODING. FOR FURTHER INFORMATION, CONTACT THE LOCAL COMMUNITY FLOOD OFFICIAL.
- 3) ELEVATIONS SHOWN HEREON REFER TO N.A.V.D. OF 1988.

FLOOD ZONE INFORMATION : ACCORDING TO F.E.M.A.'S FLOOD INSURANCE RATE MAP (F.I.R.M.), THE PROPERTY SHOWN HEREON APPEARS TO FALL WITHIN FLOOD ZONE(S) AE, X (Shaded) & X

COMMUNITY-PANEL NO. 510104 0090 F MAP REVISED: 09/02/2009 BASE FLOOD ELEVATION = 7.6



5737 BARTEE STREET
NORFOLK, VA. 23502
TEL: (757) 466-1111
FAX: (757) 466-9384



SCALE: 1"=20'	DRAWN BY: W.W.L.
DATE: 12/17/2014	F.B. 832 PG. 16
REF: M.B. 5, PG. 30 & 31 (Ches.)	



City of NORFOLK

December 29, 2014

T. Dale Ryder
President, Highland Park Civic League
824 West 49th Street
Norfolk, VA 23508

Dear Mr. Ryder,

The Planning Department has received an application for a special exception to operate an eating and drinking establishment at 4408 Colley Avenue.

This item is tentatively scheduled for the January 22, 2015 City Planning Commission public hearing.

Summary

This request would allow a new restaurateur, The Paint Gallery Coffee Shop, to operate an eatery, offering alcoholic beverages to their patrons.

	Proposed (The Paint Gallery Coffee Shop)	
Hours of Operation	6:00 a.m. until midnight, Seven days a week	
Hours for the Sale of Alcoholic Beverages	10:00 a.m. until midnight, Seven days a week	
Capacity	With no outdoor seating: <ul style="list-style-type: none">• 42 seats indoors• 0 seats outdoors• 49 total capacity	Weather permitting: <ul style="list-style-type: none">• 32 seats indoors• 10 seats outdoors• 49 total capacity

If you would like additional information on the request, you may contact the applicant, Kim Keene, at (757) 472-8115, or paintgallerynorfolk@gmail.com, or you may contact me at (757) 664-4750, or matthew.simons@norfolk.gov. A copy of the complete application is enclosed.

Sincerely,

Matthew Simons, CFM
City Planner II

cc: Vanessa Seals, Senior Neighborhood Development Specialist
Vanessa.Seals@norfolk.gov or (757) 823-4357

Simons, Matthew

From: HighlandParkCivicLeagueSecreta <highlandpark_cl@yahoo.com>
Sent: Wednesday, January 21, 2015 12:56 PM
To: Simons, Matthew
Subject: Paint Gallery Application for Special Exception

To confirm our conversation of earlier this afternoon, the Highland Park Civic League has no objection to the Application for Adult Use Special Exception - Eating and Drinking Establishment - filed on behalf of the Paint Gallery.

Please let me know if you have any questions or need any additional information.

Thank you.

Wendy Hazel
Vice President
Highland Park Civic League
757-717-5557